

NON-OTAY RANCH PROJECT MITIGATION LANDS PROGRAM

Eligibility and Review Criteria

July 17, 2008

**Approved by the POM Policy Committee on 07/17/08.
Motion to approve by Chairman Greg Cox.
Motion seconded by Deputy Mayor Jerry Rindone.
Motion Carried 2/0.**

Purpose:

A number of developers who dedicated lands within the Otay Ranch Preserve for mitigation of non-Otay Ranch projects have approached the Otay Ranch POM to request that it manage these lands as part of the Otay Ranch POM structure. The POM would consider accepting management and monitoring responsibilities of these lands if the land meets the following eligibility criteria and the POM will take into consideration the review criteria.

Background:

Eligibility and Review criteria were presented to the Preserve Management Team (PMT) on January 9, 2008 and to the Policy Committee on January 23, 2008. On March 7, 2008, the PMT directed POM staff to receive written comments on the Program until April 21, 2008, post the comments to the POM website, review and analyze the comments, and bring forward a recommendation to the next PMT meeting of May 28, 2008. During the public review period, the City of Chula Vista provided recommendations to the eligibility and review criteria. The County supports these recommendations without modification. On May 28, 2008, the PMT voted unanimously to approve the Eligibility and Review Criteria for the Program and directed POM staff to bring the criteria forward to the POM Policy Committee for their consideration. Additionally, the PMT directed POM staff to clarify that the Policy Committee is the final decision-making authority for this Program. These recommendations are found below:

Eligibility Criteria

In order for the land to be eligible for this Program, it must meet all of the following criteria:

- Land must be located within the Otay Ranch Preserve boundary
- The mitigation land offered by the applicant must be associated with a project within the City or County's jurisdiction
- Cost Analysis/Funding
 - Applicant must submit a Property Analysis Record (PAR) or similar cost analysis which includes an abbreviated habitat/resource tasks, detailed cost analysis, and annual work plans/budgets. The cost analysis must be acceptable to both the City and the County.
 - Funding must be provided in the form of a Community Facilities District (CFD) subject to the review of the POM and the approval of the jurisdiction in which the project is located.

- Land Management Standards
 - Applicant must provide written evidence that all Resource Agency permits (i.e. short-term mitigation requirements, success criteria), as applicable, have been satisfied
 - POM will manage the land to Phase 2 RMP standards. Applicant must provide evidence that this management standard is acceptable to Resource Agencies.
- Land is free of environmental contamination liabilities
- Applicant must provide evidence that legal and physical access have been obtained
- The site must be free of all encumbrances deemed unacceptable to the jurisdiction in which the project is located (i.e., conservation easements, liens, etc.)

Review Criteria

The POM will review issues, including but not limited to the following, in their consideration of lands for inclusion in this Program:

- Adjacency to land currently being managed by the POM: POM to consider management of lands not contiguous within the Otay Ranch Preserve boundary if developer provides funding in excess of estimated management costs.

Title

Land will be accepted in fee title by the POM in accordance with the requirements of this Program.

Eligibility Determination

POM staff will review all requests to be included in the Non-Otay Ranch Project Mitigation Lands Program. POM staff will make a recommendation to the PMT on the request. Upon receiving direction from the PMT, POM staff will bring forward a recommendation to the Policy Committee on the request. The Policy Committee is the final decision-making authority for this Program.